

Department of Planning and Budget 2024 Session Fiscal Impact Statement

1. **Bill Number:** HB268S1

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. **Patron:** Watts

3. **Committee:** Committee for Courts of Justice

4. **Title:** Juveniles; evidence of trafficking, sexual abuse, or rape by the alleged victim prior to or during the commission of the alleged offense; treatment and rehabilitation.

5. **Summary:** Directs juvenile and domestic relations district courts to take into consideration any evidence that a juvenile was a victim of felonious criminal sexual assault or trafficking by the alleged victim prior to or during the commission of the alleged offense and that such alleged offense was a direct result of the juvenile being a victim of such felonious criminal sexual assault or trafficking when making considerations to retain a juvenile within the jurisdiction of the juvenile court. The substitute bill requires that upon motion of the juvenile, the court may conduct a hearing to allow the juvenile to present any evidence that the juvenile was a victim of felonious criminal sexual assault or trafficking by the alleged victim. If the court finds by a preponderance of the evidence that sufficient evidence exists to believe that the juvenile was a victim of felonious criminal sexual assault or trafficking by the alleged victim prior to or during the commission of the alleged offense and that such alleged offense was a direct result of the juvenile being a victim of such felonious criminal sexual assault or trafficking, then the court will proceed as provided in § 16.1-269.1 A.

Additionally, the substitute bill requires that any study or report made by the probation services or other qualified agency designated by the court for any transfer hearing or a preliminary hearing include any relevant information supporting an allegation that the juvenile was a victim of felonious criminal sexual assault or trafficking by the alleged victim. The substitute provides provisions to allow the court, at any time prior to the final order in the case or within 21 days of such order, to receive evidence that the juvenile was a victim of felonious criminal sexual assault or trafficking by the victim prior to or during the commission of the offense for which the juvenile was convicted and that such offense was a direct result of the juvenile being a victim. The court may use such evidence as a basis to set aside the guilty verdict, render the juvenile delinquent, and impose a disposition consistent with § 16.1-278.8.

6. **Budget Amendment Necessary:** No.

7. **Fiscal Impact Estimates:** Preliminary, see Item 8 below.

8. Fiscal Implications: According to the Department of Juvenile Justice, the Office of the Executive Secretary, the Department of Behavioral Health and Developmental Services, and the Virginia Department of Health, all costs associated with this proposal are expected to be absorbable.

9. Specific Agency or Political Subdivisions Affected: Department of Juvenile Justice, Courts, Commonwealth's Attorneys, Public Defenders, Department of Behavioral Health and Developmental Services.

10. Technical Amendment Necessary: No.

11. Other Comments: None.